

vote by which House bill No. 20 was passed be reconsidered and asked that the motion be spread upon the journal.

Senator McKinney moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—12.

Atlee,	Garwood,	Seale,
Burney.	Glasscock,	Townsend,
Carter,	McKinney,	Weisiger.
Clark,	Mott,	Whatley.
Clemens,		

NAYS—12.

Crane,	Kearby,	Potter,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Tyler.

Senator Frank moved to postpone pending business and take up out of its regular order.

Senate bill No. 194, entitled "An act to amend sections 1, 2, 3, 4, 5, 6, 51, 61, 62, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 67, 78, 79, 80, 82, 83, 84, of an act entitled 'An act to provide for the organization of the state penitentiaries, and for the more efficient management of the same,' approved March 17, 1881; also to repeal an act entitled 'An act to provide for the more efficient management of the Texas state penitentiaries, and to make an appropriation therefor,' approved April 18, 1883; also to repeal an act entitled 'An act to amend sections 1, 2 and 4, of an act entitled an act to provide for the more efficient management of the Texas state penitentiaries and to make appropriation therefor,' approved April 18, 1883, approved March 31, 1885.

Adopted and the bill passed.

By consent Senator Mott introduced the following bill.

A bill to be entitled "An act to create a bureau of labor and labor statistics for the State of Texas; to properly designate said department and its head and to prescribe the duties belonging and appertaining thereto."

Read first time and referred to committee on Labor and Statistics.

By consent Senator Kearby introduced the following bill:

A bill to be entitled "An act to provide for the printing and publishing certain volumes of the decisions of the supreme court for the State of Texas and to make an appropriation for the payment thereof."

Read first time and referred to committee on State Affairs.

On motion of Senator Glasscock the Senate adjourned to 10 a. m. tomorrow.

FORTY-FIFTH DAY.

SENATE CHAMBER,  
Austin, March 6, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—23.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Whatley.
Frank,	McKinney,	

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Stephens, the further reading of the same was suspended.

The chair gave notice of signing and signed in presence of the Senate,

House bill No. 490, being "An act to validate the sale of section 82, block H, located for the common school fund, by virtue of certificate No. 1-41, issued to the Waco and Northwestern Railroad company, situated in Hardeman county, made by the state land board to P. E. Holmes upon his application for the purchase thereof, filed on the 28th day of May, 1885, under the act of April 12, 1883, providing for the sale and lease of the common school, university and asylum lands, etc., and to authorize and require the commissioner of the general land office to issue patent therefor in favor of the heirs of L. H. Davis, deceased, whenever they shall pay to the state the amount of money due the common school fund for said section of land, according to the terms of said sale." Also,

House bill No. 386, entitled "An act to define who are fellow servants, and who are not fellow servants." Also,

House bill No. 230, entitled "An act to be entitled an act to amend article 767 of the Revised Statutes of the State of Texas. Also,

Senate bill No. 245, entitled "An act to incorporate the City of Denison, in Grayson County, Texas, to fix the boundaries thereof, and to provide for

its government and the management of its affairs.

Senator Carter made the following privileged reports:

COMMITTEE ROOM.  
Austin, March 5, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 300, being "An act to provide for the incorporation of railroad companies for the purpose of acquiring, owning, maintaining and operating any line or lines of railway within this state authorized by law to be sold, and to empower such companies when so organized to purchase and extend,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,  
Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 295; being "An act to authorize the sale and conveyance of the Missouri, Kansas and Texas Railway Company's line of railroad and properties within the state, and certain lines of railroad heretofore operated by, or as the property of the Missouri, Kansas and Texas Railway Company, or as a part of the system of roads within the state, known as the Missouri, Kansas and Texas railway, and to provide for and authorize the sale, transfer and conveyance of said lines of railroad to, and the purchase and operation thereof by a single corporation, company or association of persons, to be incorporated under the laws of this state, and to settle and dispose of certain pending suits, brought by the state of Texas against said Missouri, Kansas and Texas Railway company, wherein the powers, privileges and franchises granted it within the state are sought to be forfeited.

And find the same correctly engrossed.

CARTER, Chairman.

Senator Crane presented the following privileged report:

COMMITTEE ROOM,  
Austin, March 4, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate Bill No. 245, being "An act to incorporate the city of Denison, in Grayson county, Tex., to fix the boundaries thereof and to provide for its government and the management of its affairs."

And find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his signature.

CRANE, Chairman.

Senator Carter moved that the Secretary when reporting to the House of Representatives the passage by the Senate of Senate bill No. 295, transmit therewith to the House the evidence exhibited here showing that notice had been given of the intention to apply for the passage of such law in compliance with the constitution and laws of this state.

Adopted.

Senator Potter asked that the motion of Senator Garwood, entered yesterday to reconsider the vote by which Senate bill No. 20 was passed, be declared out of order.

The chair ruled the said motion to reconsider out of order.

Senator Simkins appealed from the decision of the chair.

Senator Glascock moved to postpone consideration of the appeal till tomorrow, after morning call.

Adopted.

#### BILLS AND RESOLUTIONS.

By Senator Seale:

A bill to be entitled an act to amend title 36 of the revised civil statutes of the state of Texas by adding thereto article 1780a. Read first time and referred to Judiciary committee No. 1.

#### ORDER OF THE DAY.

Substitute Senate bills Nos. 52 and 54, entitled "An act to provide for the creation of a board of railroad commissioners and to prescribe their powers and duties; to regulate railroad freight and passenger tariffs; to define and prohibit extortion and unjust discrimination; to require railroads to maintain adequate and suitable depot buildings and accommodations, and to keep up their road bed and track; to require railroads to keep their schedules of rates posted; to prevent false weighing and billing; to correct abuses

of railroads; to prescribe modes of procedure and rules of evidence, and to provide penalties for the enforcement of this act."

Taken up on second reading.

Senator Townsend moved that consideration of substitute Senate bills Nos. 52 and 54 be postponed till Monday, and that the calendar clerk have the House bill on the same subject as passed printed and copies thereof laid upon the desks of Senators Monday morning.

(Senator Crane in the chair).

Senator Maetze moved to postpone pending business and take up out of its regular order Senate bill No. 185.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, }  
March 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—I am directed to inform the senate that the house has passed substitute for House bills Nos. 1, 3 and 58, being "An act to establish a railroad commission for the State of Texas, whereby discrimination and extortion in railroad charges may be prevented, and reasonable freight and passenger tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads, and afford railroad companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement."

Respectfully,

SAM H. DIXON,  
Chief Clerk H. of R.

By consent Senator Potter made the following reports:

COMMITTEE ROOM.

Austin, March 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on incorporated cities and towns, to whom was referred

Senate bill No. 323, being "An act to amend section 9, of an act to authorize any city or town in the state to compromise existing indebtedness, and to issue new bonds to be sold or exchanged for this purpose and to provide for the efficient collection of taxes to pay principal and interest of such new bonds and to provide for the ap-

pointment of receivers for said municipal corporations during the pending of negotiations of such compromise, approved March 26, 1887,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POTTER, Chairman.

COMMITTEE ROOM.

Austin, March 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns, to whom was referred

House Bill No. 517, being "An act to extend the corporate limits of the city of Beaumont,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POTTER, Chairman.

COMMITTEE ROOM.

Austin, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns, to whom was referred

Senate bill No. 315, being "An act to extend the corporate limits of the City of Beaumont."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POTTER, Chairman.

The motion of Senator Townsend prevailed by the following vote:

YEAS—14.

Atlee,	Kimbrough,	Simpkins,
Burney,	Lubbock,	Stephens,
Crane,	Maetze,	Townsend,
Finch,	McKinney,	Tyler.
Kearby,	Seale,	

NAYS—8.

Clark,	Garwood,	Potter,
Cranford,	Glasscock,	Whatley.
Frank,	Johnson,	

On motion of Senator Frank Senator We sizer was excused until Tuesday next on account of legislative duties.

On motion of Senator Whatley Senator Clemens was excused until Monday on account of important business.

On motion of Senator Frank Senator Sims was excused until Monday on account of important business.

The motion of Senator Maetze to suspend pending business and take up out of its regular order Senate bill No. 185 prevailed.

Senator Kearby moved to reconsider the vote to suspend pending

business.

Senator Townsend moved to table the motion to reconsider, which prevailed by the following vote:

YEAS—19.

Burney,	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clark,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend
Finch,	Maetze,	Tyler,
Garwood,	McKinney,	
Glasscock,	Mott,	

NAYS—5.

Atlee,	Frank,	Potter,
Cranford,		

Senate bill No. 185, entitled "An act to amend chapter 2 of title 7 of the criminal code of the state of Texas by adding thereto article 187a, limiting the operation of said chapter 2 to the hours between the hour of 9 a. m., and the hour of 4 p. m.

Taken up and read second time with a favorable majority report and the following minority report:

COMMITTEE ROOM,

Austin, February 30, 1891.

Hon. George C. Pendleton, President of the Senate:

The undersigned beg leave to dissent from the majority report of said committee recommending that Senate bill No. 185 do pass.

We believe that the passage of this law will greatly increase crime, discourage moral sentiment, and injurious to the general healthfulness of our common country; that it will establish nuisances in our large cities, and we enter our solemn protest against its passage and recommend that it do not pass.

Respectfully submitted.

KEARBY,  
CRANFORD.

Senator Kearby moved to adopt the minority report.

The question was debated by Senators Maetze, Garwood and Townsend against the adoption of the minority report and by Senators Kearby, Simkins and Cranford in favor.

House substitute for substitute House bills Nos. 1, 2 and 58, entitled "An act to establish a railroad commission for the state of Texas, whereby discrimination and extortion in railroad charges may be prevented and reasonable freight and passenger tariffs may be established, to prescribe and authorize the making of rules and regulations to govern the commission and the railroads, and afford railroad companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement."

Read first time and referred to committee on Internal Improvements.

The chair gave notice of signing and signed in presence of the Senate House bill No. 430, entitled "An act to amend article 4238 of the Revised Statutes of the state of Texas as amended by an act approved April 8, 1889.

Senator Kimbrough moved the previous question on the pending motion, which was ordered.

The motion was lost by the following vote:

YEAS—11.

Carter,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Finch,	McKinney,	Stephens,
Frank,	Potter,	

NAYS—12.

Atlee,	Glasscock,	Mott,
Burney,	Johnson,	Pope,
Clark,	Lubbock,	Townsend,
Garwood,	Maetze,	Tyler,

Senator Cranford announced that he was paired with Senator Clemens. If the latter were present he would vote no, and himself (Senator Cranford) would vote aye.

Senator Stephens moved a call of the Senate, which was ordered.

The following senators answered to their names:

PRESENT.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Pope,
Carter,	Johnson,	Potter,
Clark,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Tyler,

(Senator Whatley was absent by permission of the chair, and appeared in a few moments after the call was announced.)

Senator Lubbock asked and obtained consent to postpone pending business to take up out of its regular order

Senate bill No. 197, entitled "An act to amend chapter 86, section 1, of an act approved April 12, 1883, entitled 'An act to amend sections 1, 2 and 9 of an act entitled 'An act to amend an act entitled 'An act creating the office of public weigher and regulating the appointment and defining the duties and liabilities thereof, approved April 19, 1879,'"

Which was read second time with a favorable committee report.

Senator Whatley appearing, the Senate was full, and

The question recurred to the engrossment of Senate bill No. 185, and the following vote was taken:

YEAS—12.

Atlee,	Glasscock,	Mott,
Burney,	Johnson,	Pope,
Clark,	Lubbock,	Townsend,

Garwood,	Maetze,	Tyler,
	NAYS—12.	
Carter,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Finch,	McKinney,	Stephens,
Frank,	Potter,	Whatley.

There being a tie, the president voted aye, and the bill was ordered engrossed.

Senator Cranford announced that he was paired with Senator Clemens. If the latter were present he would vote aye, and himself (Senator Cranford) would vote no.

Question recurred to the engrossment of Senate bill No. 107.

Senator Townsend offered the following amendment:

Amend by adding the emergency and public necessity clause, "The large number of bills now pending before the Legislature and the advanced state of the session creates an emergency, and imperative necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

The Senate refused to engross the bill by the following vote:

	YEAS—8.	
Atlee,	Maetze,	Seale,
Kimbrough,	Mott,	Townsend,
Lubbock,	Pope,	
	NAYS—16.	
Burney,	Frank,	McKinney,
Carter,	Garwood,	Simkins,
Clark,	Glasscock,	Stephens,
Crane,	Johnson,	Tyler,
Cranford,	Kearby,	Whatley.
Finch,		

Senator Carter moved to suspend pending business, and take up out of its regular order substitute Senate bill No. 257.

Lost.

Senator Pope moved to suspend pending business, and take up Senate bill No. 264, and make it the special order for next Friday after morning call, and from day to day until disposed of.

Adopted.

#### REGULAR ORDER.

Substitute Senate bills Nos. 152 and 187, being "An act to make it unlawful to sell illuminating oil composed of petroleum, kerosene or any product thereof to any person within this State, the flash test of which is less than 110 degs. Fahrenheit, to prescribe methods for making a test of the same and to provide penalties for a violation of the provisions hereof,"

Read third time and passed.

Senator Frank moved to reconsider the vote passing the bill, and asked to

have the motion spread upon the journal.

Senator Mott moved to suspend pending business and take up out of its regular order

Senate bill No. 26, entitled "An act to relieve railroad corporations, chartered under the revised statutes of Texas which have in good faith constructed any part of their roads prior to the 1st day of January 1889, from the operations of article 605 and 4278 of the revised statutes as to the road so constructed."

Adopted and bill read first time.

Senator Potter moved to postpone action until the bill be printed, which motion was lost by the following vote:

	YEAS—8.	
Burney,	Frank,	Potter,
Cranford,	Kearby,	Whatley.
Finch,	Kimbrough,	
	NAYS—16.	
Carter,	Glasscock,	Mott,
Clark,	Johnson,	Pope,
Crane,	Lubbock,	Seale,
Garwood,	Maetze,	Stephens,
	McKinney,	Townsend,
		Tyler.

Senator Mott offered the following amendment:

Section 2. Whereas, the near approach of the end of the session, and the number of bills pending renders it impossible for this bill to be reached in its regular order and it is necessary to grant the relief to certain railroads in Texas, therefore an emergency and imperative public necessity exists that the rule requiring bills to be read on three several days be suspended and this bill take effect from and after its passage, and it is so enacted.

Adopted.

Senator Pope moved to suspend the constitutional rule requiring a bill to read on three several days and that the bill pass to a second reading, which motion prevailed by the following vote:

	YEAS—24.	
Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Pope,
Carter,	Johnson,	Potter,
Clark,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley.
	NAYS—None.	

Bill read second time and engrossed by the following vote:

	YEAS—16.	
Atlee,	Glasscock,	Mott,
Burney,	Johnson,	Pope,
Carter,	Lubbock,	Seale,
Clark,	Maetze,	Stephens,
Crane,	McKinney,	Tyler.
Garwood,		

## NAYS—7.

Finch,  
Frank,  
KearbyKimbrough  
Potter,Simkins,  
Whitley.

Senator Pope moved to further suspend the constitutional rule requiring a bill to be read on three several days and the bill put upon its third reading and final passage.

Adopted by the following vote:

## YEAS—24.

Atlee,  
Burney,  
Carter,  
Clark,  
Crane,  
Cranford,  
Finch,  
Frank,Garwood,  
Glasscock,  
Johnson,  
Kearby,  
Kimbrough,  
Lubbock,  
Maetze,  
McKinney,Mott,  
Pope,  
Potter,  
Seale,  
Simkins,  
Stephens,  
Tyler,  
Whitley.

## NAYS—None.

Bill read third time and passed by the following vote:

## YEAS—17.

Atlee,  
Burney,  
Carter,  
Clark,  
Crane,  
Cranford,Garwood,  
Glasscock,  
Johnson,  
Lubbock,  
Maetze,  
McKinney,Mott,  
Pope,  
Seale,  
Stephens,  
Tyler.

## NAYS—7.

Finch,  
Frank,  
Kearby,Kimbrough,  
Potter,Simkins,  
Whitley.

Senator Pope moved to adjourn to 10 a. m. tomorrow.

Senator Potter moved to adjourn to 8 o'clock this afternoon.

Senator Pope's motion prevailed by the following vote:

## YEAS—18.

Atlee,  
Burney,  
Carter,  
Clark,  
Crane,  
Frank,Garwood,  
Glasscock,  
Johnson,  
Kimbrough,  
Lubbock,  
Maetze,McKinney,  
Mott,  
Pope,  
Seale,  
Simkins,  
Tyler,  
Whitley.

## NAYS—5.

Cranford,  
Finch,Kearby,  
Potter,

Stephens.

## FORTY-SIXTH DAY.

## SENATE CHAMBER.

Austin, March 7, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

No quorum present.

The following Senators answered to their names:

## PRESENT—19.

Atlee,  
Burney,  
Clark,  
Crane,  
Cranford,  
Finch,  
Frank,Glasscock,  
Johnson,  
Kearby,  
Kimbrough,  
Maetze,  
McKinney,  
Pope.Potter,  
Seale,  
Stephens,  
Townsend,  
Tyler,  
Whitley.

## ABSENT—5.

Carter,  
Garwood,Lubbock,  
Mott,

Simkins,

Senator Stephens moved a call of the Senate, which was ordered.

The following Senators answering to their names:

## PRESENT—23.

Atlee,  
Burney,  
Clark,  
Crane,  
Cranford,  
Finch,  
Frank,  
Garwood,Glasscock,  
Johnson,  
Kearby,  
Kimbrough,  
Lubbock,  
Maetze,  
McKinney,  
Pope,Potter,  
Seale,  
Simkins,  
Stephens,  
Townsend,  
Tyler,  
Whitley.

## ABSENT—5.

Carter,  
Garwood,Lubbock,  
Mott,

Simkins,

Quorum present.

On motion of Senator Frank the call was suspended.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Stephens, the further reading of the same was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Stephens:

Memorial from officers of Concho county, praying for the passage of a law validating records of land titles made in San Saba county, to which Concho was formerly attached.

Read first time and referred to committee on Counties and County Boundaries.

By Senator Maetze:

Petition of citizens of Lee county, demanding the repeal of all Sunday laws, as being obnoxious to every principle of American liberty.

Read first time and referred to Judiciary committee No. 2.

The following reports were handed in from their respective committees:

## COMMITTEE ROOM.

Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

Senate bill No. 448, being "An act to reorganize the Thirty-ninth judicial districts and to create the Fiftieth judicial district of the State of Texas; to fix the time for holding courts therein; to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the attached amendment.

TOWNSEND, Chairman.